

### REMARKS

Applicant elects species identified as "A) Figure 1" in the Office Action, and subspecies, as referenced in the Office Action, "a) Figure 5" relating to the Retaining Rod, and "20) Figure 42" relating to the Retaining Means.


The claims that read on the elected species are claims 68-71, 73, 74, 76-77, 80-81, 82, 101 and 102, and the claims that read on the subspecies of Fig. 42 are claims 94-96, 98 and 99.

Notwithstanding the election of species and subspecies consonant with the Examiner's requirement, Applicant is of the opinion that claims 68-71, 73-74 and 76 are generic to all embodiments. The aforementioned claims relate to the definition of the primary source of potential energy that is present in all the embodiments described and shown. In effect, all embodiments comprise a primary source of potential energy for propelling a fluid to be injected with sufficient pressure through an orifice to create a jet enabling subcutaneous delivery of the fluid to be injected, the primary source of potential energy principally in the form of a compressible substance under pressure in a container, whereby said potential energy is substantially compression energy of said compressible substance, wherein said substance is a non-gaseous substance, as defined at ambient temperature and pressure. Claim 68 is thus generic to all embodiments described and shown.

All embodiments described and shown may have the further features of claims 69-71, 73, 74, 76, 101 and 102. It should be noted that all embodiments may be further provided with a secondary potential energy source adapted to propel the fluid to be injected at a pressure lower than the pressure generated by the primary source of potential

energy, as set forth in claim 70, whereby such secondary potential energy source could be a gas as defined at ambient pressure and temperature dissolved in or mixed with the primary compressible substance, as defined in claim 71. In support of the generic nature of the aforementioned claims, the Examiner may also refer, inter alia, to the application, page 2 last paragraph to page 4 second line, page 4 third paragraph to page 6 end of second paragraph, page 20 third paragraph to end of page 22.

Respectfully submitted,

By:   
Clifford W. Browning  
Reg. No. 32,201  
Woodard, Emhardt et al. LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137  
(317) 634-3456

#265563